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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
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In the Matter of	)	
	)	
CTIA Petition for Waiver to	)	CC Docket No. 95-116
Extend the Implementation Deadlines	)	DA 97-2579
of Wireless Number Portability	)	
	)	

REPLY COMMENTS OF MCI TELECOMMUNICATIONS CORPORATION

MCI Telecommunications Corporation ("MCI"), by its attorneys, respectfully submits these reply comments in opposition to the petition by the Cellular Telecommunications Industry Association ("CTIA") to extend the deadline for implementation of local number portability ("LNP") by cellular and other wireless carriers.<sup>1</sup>

INTRODUCTION AND SUMMARY

The opening comments in this docket plainly establish that while there are legitimate technical issues associated with implementation of number portability by some wireless carriers—principally cellular providers—the larger questions underlying the CTIA Petition relate to competition for wireless services and the relationship between LNP and numbering conservation methods such as number pooling. It is clear, as those supporting CTIA concede, that the cellular industry does not intend to implement number portability within the nine

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<sup>1</sup> Cellular Telecommunications Industry Association, *Petition for Extension of Implementation Deadlines of the Cellular Telecommunications Industry Association*, Nov. 24, 1997 ("CTIA Petition"); see *Wireless Telecommunications Bureau Seeks Comment on CTIA Petition For Waiver to Extend the Implementation Deadlines of Wireless Number Portability*, "Public Notice, CC Docket No. 95-116, DA 97-2579 (Wireless Telecommunications Bur. rel. Dec. 9, 1997).

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months requested in the CTIA Petition. It is also clear, as carriers diverse as Omnipoint and WorldCom point out, that the technical and economic concerns underlying the CTIA Petition do not apply to all wireless carriers, and that the cellular industry has by and large abstained from participation in industry LNP design and implementation efforts to date.

On this record, therefore, the Commission should promptly deny the CTIA Petition, establish interim “milestones” for wireless deployment of LNP, and reassess the technical questions associated with wireless number portability at a later date after submission of interim progress reports from CTIA. The Commission should also reject any “linkage” between implementation of number pooling and the deadline for cellular implementation of LNP. This is an issue on which the wireless industry has claimed, inconsistently, that number pooling would discriminate against wireless carriers precisely because they have not yet implemented service provider LNP. Yet wireless carriers cannot have it both ways, and use their own transparent reluctance to invest in number portability technology to hold hostage efforts by state and federal regulators, the industry and consumers to enhance competition and conserve telephone numbers through number pooling.

### DISCUSSION

MCI’s opening comments demonstrated that the CTIA Petition does not meet the legal standards for grant of a Commission waiver. MCI Comments at 2-7. MCI also showed that the Petition raised significant policy questions about the competitive importance of number portability and its relationship to mechanisms, such as number pooling, for more efficient numbering in an era of accelerating depletion of numbering resources. MCI Comments at 8-11. MCI emphasized that the CTIA Petition’s request for an additional nine months, until March 31,

2000, to implement LNP is suspect because CTIA would likely request further extensions of the deadline and has not committed to supplying the Commission with a specific, manageable timeline for the technical development work (such as separating cellular Mobile Identification Numbers (“MINs”) and Mobile Directory Numbers (“MDNs”)) necessary to support implementation of portability by some wireless carriers. *Id.* at 4, 11-12.

Although a number of cellular and specialized mobile carriers support the CTIA Petition, the opening comments are entirely consistent with MCI’s concerns. Indeed, as SBC makes clear, the cellular industry “is not committing that the solution [to LNP] will be implemented within the 9 month extension period,” but rather only that an extension of this length was requested because it “coincides” with the scope of the Wireless Telecommunications Bureau’s delegated authority.<sup>2</sup> Omnipoint emphasizes that PCS operators using GSM technology can implement LNP today and that, because “wireless number portability will promote competition,” the Commission should “ensure that the impending competitive benefits of wireline to wireless number portability are not deferred for those carriers that are not technologically capable of realizing them.” Omnipoint Comments at 1-2. And WorldCom stresses that the CTIA Petition raises the very realistic concern that “wireless carriers will continue to try to block efficient allocation of telephone numbers . . . and that they will urge that number pooling be delayed until March 2000 or when wireless carriers implement [LNP], whichever comes later.” WorldCom Comments at 7.

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<sup>2</sup> Comments of Southwestern Bell Mobile Systems, Inc. and Pacific Bell Mobile Services, at 3 (“SBC Comments”).

The reality is that the CTIA Petition is based less on serious technical obstacles than on an unwillingness of incumbent cellular carriers to bear the economic and competitive costs of number portability, as required by Section 251 of the Act. First, “CTIA raises issues of cost, and technical issues, that do not apply to all CMRS carriers.” Omnipoint Comments at 2. In other words, PCS and some other non-cellular wireless carriers have already made capital investments in switching technologies that are compatible with LNP. *See* MCI Comments at 7 (CTIA Petition is inconsistent with views of PCS providers).

Second, cellular carriers do not conceal their ultimate desire that the Commission eliminate wireless LNP obligations entirely in order, as they state euphemistically, to “better align . . . with marketplace realities.” AirTouch Comments at 1, 3. These marketplace considerations boil down to the fact that CTIA’s members would prefer to invest in their own network development programs instead of implementing the capability to permit their customers to switch wireless providers easily, that is without changing telephone numbers. MCI Comments at 3-4; WorldCom Comments at 5. To a large degree, CTIA’s request for delay in LNP will serve the plainly anticompetitive function of retarding entry by wireless competitors, including resellers, who will largely be precluded from selling to existing cellular subscribers due to the costs and inconvenience associated with switching telephone numbers. MCI Comments at 8-9.

Third, while CTIA implies that the technical challenges arising from the cellular industry’s traditional reliance on MINs are a new development in LNP implementation, in reality this concern was known to the cellular industry as early as June 1995, two and one-half years before the CTIA Petition was filed. SBC Comments at 1 n.2 (citing 1995 SBC comments); *see* MCI Comments at 3 & n.7. Thus, the facts are clear that CTIA has acted to protect its

members' own narrow business interests instead of expeditiously pursuing technical solutions for LNP that will promote competition and serve the broader public interest.

Fourth, and most significantly, the CTIA Petition does not address in any detail how those wireless carriers exempted from the June 1999 deadline could actually implement number portability within an additional nine months. AirTouch makes clear that an industry standard for separation of the MDN and MIN will not be finalized "until late this year," and that vendor equipment development "ordinarily takes a minimum of 18-to-24 months from the completion of standards." AirTouch Comments at 2.<sup>3</sup> Even then, no party supporting CTIA has made any estimate of "the specific issues involved in timely development and testing of such a standard," WorldCom Comments at 5, beyond indicating that separation of the MDN and MIN will "require carriers to modify virtually every system they use in provisioning services." AirTouch Comments at 3. Undoubtedly, therefore, unless the Commission acts firmly, CTIA will return to the Commission in 2000 to argue that carrier-specific implementation of LNP has taken more time than anticipated, requesting even further delays in the number portability deadline. MCI Comments at 4.

What this means is that the Commission cannot and should not be held hostage to the unbounded discretion of CTIA and to its members' failure to commit to a specific implementation schedule for LNP. There is no way for the Commission to know from the CTIA Petition and supporting comments whether the cellular industry has been whiling away time without

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<sup>3</sup> Given that the separation of the MDN and MIN has been an issue for wireless number portability for nearly three years already, MCI cannot agree with these open-ended estimates by AirTouch. To the contrary, MCI believes that the Commission must factor in the absence of CTIA and other cellular carriers from the LNP process,

actually working diligently on LNP, as WorldCom and the facts indicate, or has encountered new technical obstacles that suddenly undermine the Commission's recent March 1997 conclusion that "it is reasonable to expect wireless carriers to implement portability, including roaming, in their networks in a period of more than two years."<sup>4</sup> Indeed, CTIA has simultaneously petitioned the Commission to forbear from imposing any LNP obligations on wireless carriers,<sup>5</sup> underscoring that its real motivation in petitioning for delay is to give cellular carriers more time to lobby for substantive reversal of the Commission's earlier conclusions in this docket that both cellular and broadband PCS carriers must implement number portability.

The correct response to CTIA's broadside attacks on wireless number portability is for the Commission to "just say no." Local number portability is good for consumers, good for competition and good for number conservation. There is ample time for the Commission to consider CTIA's concerns at a later date, once the industry has settled on a standard and the precise scope of equipment development and network deployment time can be estimated accurately. Until then, Omnipoint and MCI both urge that the Commission establish reporting requirements in order to "monitor the progress of cellular, broadband PCS and covered SMR providers implementing number portability, and to direct such carriers to take any actions necessary to ensure compliance with this deployment schedule." Omnipoint Comments at 5 (*quoting* First Report and Order at ¶ 166); MCI Comments at 11-13. MCI has proposed

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and use the implementation time frames presented in MCI's opening comments, which call for a completed standard by March 1998, as the starting point in analysis. MCI Comments at 12.

<sup>4</sup> *Telephone Number Portability*, First Memorandum Opinion and Order on Reconsideration, CC Docket No. 95-116, at ¶ 134 (rel. March 6, 1997).

<sup>5</sup> Petition for Forbearance of the Cellular Telecommunications Industry Association (Dec. 16, 1997).

specific interim “milestones” that the Bureau can direct each wireless carrier to meet, in order to have a firm schedule against which to measure wireless industry progress in LNP. *Id.* at 12. These, coupled with the CTIA and North American Numbering Council (“NANC”) reports discussed by BellSouth (BellSouth Comments at 6), should provide the Commission with more than adequate information to judge, at the appropriate time, whether any delay in cellular LNP implementation deadlines is warranted.

Finally, without regard to resolution of the CTIA Petition on LNP, the Commission must reject any “linkage” between wireless LNP implementation deadlines and its decision in the pending proceeding addressing the technical neutrality of number pooling.<sup>6</sup> MCI Comments at 9-10. CTIA and other wireless industry members have claimed in that docket that number pooling—a new method for efficient numbering and competitive access to numbers that allows numbers to be assigned to carriers in less than 10,000 number Central Office code blocks—is discriminatory because it is premised on number portability, which wireless carriers do not currently support. Although that claim is meritless substantively (wireless carriers are actually advantaged by number pooling, since they alone retain the right to receive full CO-code block of numbers until they are able to participate), it does indicate that the wireless industry cannot have it both ways. It cannot be consistent for the Commission to allow additional time for wireless LNP deployment due to technical considerations affecting wireless networks, and then find that number pooling is not “technology neutral” because wireless carriers have not deployed in their

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<sup>6</sup> *Request for Comment on North American Numbering Council Letter Seeking Clarification of the Term “Technology Neutral,”* Public Notice, CC Docket No. 92-237, DA 97-2234.

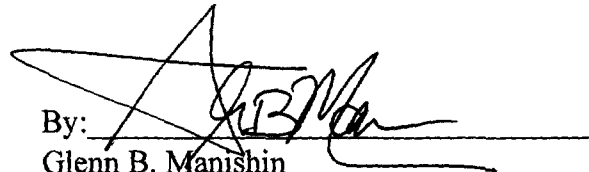
networks the LNP capabilities necessary to participate in pooling. Thus, without regard to how it resolves the CTIA Petition, the Commission should, as WorldCom states, reject any claim by wireless carriers "that number pooling also be delayed until March 2000." WorldCom Comments at 7. The nation simply cannot afford to allow wireless carriers' unwillingness to implement number portability to interfere with important number conservation methods such as number pooling.

### CONCLUSION

The Commission should deny the CTIA petition and define intermediate milestones, with associated reporting requirements, for achieving wireless number portability by June 1999.

Respectfully submitted,

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## CERTIFICATE OF SERVICE

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